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(d) On retirement for disability, a [contributor] member shall receive a retirement allowance which shall consist of—

(1) A member's annuity which shall be the actuarial equivalent of his accumulated deductions; [and]

(2) A municipal annuity which [, together with the member's annuity, shall be sufficient to produce a retirement allowance of thirty per centum of his final salary] shall be the actuarial equivalent of the municipal contributions to the credit of the member; and

(3) A disability annuity payable from the total disability reserve account which, together with the member's annuity and the municipal annuity, shall be sufficient to produce a retirement allowance of thirty per centum of the final salary. Where the disability of the member is determined to be service-connected, as defined in this act, the retirement allowance shall equal fifty per centum of his final salary. The disability annuity shall be reduced by the amount of any payments for which the member shall be eligible under the act of June 2, 1915 (P. L. 736), known as "The Pennsylvania Workmen's Compensation Act," or the act of June 21, 1939 (P. L. 566), known as "The Pennsylvania Occupational Disease Act."

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APPROVED—The 23rd day of September, A. D. 1959.

DAVID L. LAWRENCE

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No. 391

AN ACT

Authorizing counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law; and to amend such claims when the property affected is not sufficiently described; and to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims; and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Whenever, heretofore or hereafter, any county, city, borough, incorporated town, township, school district, poor district or county institution district has failed to file in the office of the prothonotary of the county, any tax claim or municipal claim assessed

Tax and municipal claims.

Filing of such claims in office of prothonotary even though not filed within the time specified by law, etc., authorized.

against any property within the time limit required by law for such filing, whereby the lien of such tax or municipal claim is lost; or has filed any tax claim or municipal claim assessed against any property and in such claim has described the property against which the claim was assessed only by the name of the owner and the distance from a given point; or has filed in the office of the prothonotary of the proper county any tax or municipal claim and the county, city, borough, incorporated town, township, school district, poor district or county institution district has not, within the period of five years after the date on which any such claim was filed, sued out a writ of scire facias to reduce the same to judgment or has not done so in time, or, in the case of a tax or municipal claim, has not, within said period of five years, filed a suggestion of nonpayment and an averment of default; or whenever heretofore or hereafter any writ of scire facias has been issued to reduce any such claim to judgment and by reason of defense or any other court proceedings or by reason of failure to file a praecipe on time judgment has not been entered within the period of five years after the date on which such writ was issued; or whenever, heretofore or hereafter, any such tax or municipal claim has been reduced to judgment and the county, city, borough, incorporated town, township, school district, poor district or county institution district has not, within the period of five years after the date on which such judgment was entered or within five years after the date on which such judgment was last revived, filed a suggestion of nonpayment and an averment of default or sued out a writ of scire facias to revive the same; then, in any such case heretofore or hereafter occurring, any such county, city, borough, incorporated town, township, school district, poor district or county institution district may, at any time after the effective date of this act, file such tax or municipal claim, or amend such claim so as to properly describe the property against which the claim is assessed, or issue its praecipe for a writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims, or, in case a writ of scire facias has been issued but the same has not been reduced to judgment within five years from the date of issuance, issue its praecipe for an alias writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims, or, in the case of a tax or municipal claim where no judgment has been entered, file a suggestion of nonpayment and an averment of default, or, in case judgment has been entered on a tax or municipal claim,

either file a suggestion of nonpayment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgments of revival; and such claim or judgment so entered or revived shall be a valid claim or judgment and be a lien upon the real estate upon which it was a lien at the time the claim was filed or the judgment was entered and said claim or judgment was entered, and said claim or judgment may be revived or further revived and collected as other claims or judgments upon tax or municipal claims are revived and collected: Provided, That the lien of any such claim or judgment shall not reattach against any real estate transferred to any purchaser before such claim is filed or during the time when the lien of any such tax or municipal claim or judgment was lost, nor shall the lien of any such claim or judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the county, city, borough, incorporated town, township, school district, poor district or county institution district to file such claim, or to properly describe the property against which the claim was assessed, or to sue out the writ of scire facias or file a suggestion of nonpayment and an averment of default within the five year period, or was entered of record during the time the lien of such tax or municipal claim or judgment was lost; nor shall any such lien so revived impair or affect the priority of the lien of any mortgage or other lien which was entered prior to the tax or municipal claim or which gained priority during the time such lien was not revived or was not effective.

Proviso.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 23rd day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 392

AN ACT

Amending the act of June 18, 1941 (P. L. 133), entitled "An act relating to coal stripping operations; providing for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports, and prescribing penalties," changing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Coal stripping.

Section 1. Section 5, act of June 18, 1941 (P. L. 133), entitled "An act relating to coal stripping opera-

Section 5, act of June 18, 1941, P. L. 133, amended.